United Nations CRPD/C/MNE/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Montenegro*

A. Purpose and general obligations (arts. 1-4)

1. Please provide information, including relevant data, on the outcomes of the Strategy for the Integration of Persons with Disabilities in Montenegro 2008-2016, and on the financial resources allocated to the new strategy for 2016-2020, and indicate whether the State party plans to publish regular reports regarding the strategy's outcomes. Please provide information on a timetable for the revision of laws, policies, legal definitions and terminology on disability and different impairments, including the term "capacities", to bring them into compliance with the Convention.

2. Please report on structures, mechanisms and public resources available to ensure full and inclusive participation of, and consultation with, organizations representing persons with disabilities.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

3. Please provide information on:

(a) The definition of discrimination on the basis of disability, and on legal remedies and sanctions to uphold the prohibition of disability-based discrimination;

(b) The composition of commissions that identify disabilities, on safeguards in place to ensure that the determination of disability is in compliance with the Convention, and on whether these safeguards are regularly reviewed;

(c) The availability of reasonable accommodation and affirmative action and whether they are in line with the Convention, especially in the light of the law on the prohibition of discrimination against persons with disabilities, particularly with regard to the lack of recognition of sign language as an official language.

4. Please report on specific programmes to promote and ensure the implementation of the rights of persons with disabilities among minorities, particularly for persons of Roma, Ashkali and Egyptian origin.

Women with disabilities (art. 6)

5. Please provide statistical information on the situation of women and girls with disabilities and information on specific measures, including affirmative action, to empower them and to combat the multiple and intersectional discrimination that they face.

* Adopted by the pre-sessional working group at its seventh session (13-20 March 2017).

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Children with disabilities (art. 7)

6. Please provide information on the outcome of the implementation of strategic objective No. 4 of the National Plan of Action for Children (2013-2017), referred to in the initial report of the State party (see CRPD/C/MNE/1, para. 333).[1] Please specify the number and percentage of children with disabilities benefiting from universal access to early intervention services.

7. Please provide information on efforts to accelerate the deinstitutionalization of children with disabilities, including updated information on the operational plan for the transformation of the "Mladost" orphanage (para. 345). Please report on all forms of support provided to families of children with disabilities.

8. Please provide information on incentives for foster parenting of children with disabilities and the current outcome of the Strategy for the Development of Social and Childcare (2013-2017). Please also provide information on day-care centres for children with disabilities (para. 283) and how they form part of an inclusive education system, in accordance with the Committee's general comment No. 4 (2016) on the right to inclusive education.

Awareness-raising (art. 8)

9. Please provide information on awareness-raising programmes compliant with the Convention, particularly for media personnel and personnel of public mainstream schools. Please indicate the extent to which such campaigns reach public sector employees and students, and whether campaigns have specifically targeted architects and engineers.

Accessibility (art. 9)

10. Please provide information on measures to mainstream the concept of universal design in accessibility standards. Please indicate what measures are taken to regularly monitor and increase the accessibility of public buildings, websites, the wider built environment, transportation and information and communications technology, including by providing all persons with disabilities with support technologies and live assistance, such as guides, readers, Braille-related services and professional and qualified sign-language interpreters. Please specify whether the State party plans to adopt road maps for such measures. Please provide information on monitoring compliance with accessibility standards and the enforcement of fines for non-compliance.

Situations of risk and humanitarian emergencies (art. 11)

11. Please provide information on the use of accessible and multiple formats, such as Braille, sign language and easy-to-read versions of information relating to, and in concrete situations of, risk, humanitarian emergencies, natural disasters and evacuation plans. Please indicate whether the authorities:

(a) Regularly train relevant professionals on how to improve the safety of persons with disabilities in all situations of risk and emergencies;

(b) Cooperate with the representative organizations of persons with disabilities in developing such services.

Equal recognition before the law (art. 12)

12. Please provide data on persons currently under guardianship, disaggregated by full and partial guardianship, and on persons whose legal capacity has been completely reinstated since the ratification of the Convention. Please report on steps taken to reduce the number of persons with disabilities under guardianship and to move towards a supported decision-making system.

[1] Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.

Access to justice (art. 13)

13. Please provide information on accessibility to the justice system, including physical access, accessible legal aid and registered qualified sign-language interpreters in courtrooms and police stations, as well as on measures to ensure procedural accommodations. Please also provide similar information with respect to other public administrative but non-judicial procedures, such as notary services.

Liberty and security of the person (art. 14)

14. Please provide information on measures taken to abolish, under all circumstances, any involuntary placement of persons with disabilities in psychiatric facilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

15. Please report on the findings of the national preventive mechanism against torture and other cruel, inhuman or degrading treatment or punishment regarding detention facilities where persons with disabilities are detained. Please provide updated information on the "Komanski Most" institution (para. 94) and whether there have been any investigations into alleged cases of ill-treatment.

Freedom from exploitation, violence and abuse (art. 16)

16. Please provide information on measures to eliminate all forms of violence against all persons with disabilities in the public and private spheres, with a particular focus on women and girls with disabilities. Please provide data and information on violence, including sexual violence, with a particular focus on gender-based violence, and on specific programmes to protect and support all persons with disabilities against violence, with a particular focus on women and girls with disabilities, in line with target 5.2 of the Sustainable Development Goals.

Living independently and being included in the community (art. 19)

17. Please provide information on efforts made since the ratification of the Convention with regard to deinstitutionalization. Please provide the number and percentage of persons with disabilities, disaggregated by sex, age and impairment, within each institution, and specify whether children and adults with disabilities are separated. Please provide information on the development of support services, including personal assistance, to ensure the possibility of independent living within communities, with the involvement of persons with disabilities and their representative organizations, as well as local authorities.

Personal mobility (art. 20)

18. Please provide details of the law on travel benefits for persons with disabilities, in particular the "travel privilege" (para. 152), and indicate which types of transport are available in this regard. Please explain the procedures and conditions for reimbursements. Apart from audible pedestrian signals at intersections, please provide information on other areas covered by the ordinance on the conditions and the manner of adjustment of facilities for the access and movement of persons with reduced mobility (para. 154), and on the practices and results of the public work personal assistance system.

Freedom of expression and opinion, and access to information (art. 21)

19. With reference to the electronic media law, please provide information on any existing or planned road map for media service providers to make their services progressively accessible.

Respect for home and the family (art. 23)

20. Please provide information on steps taken to repeal laws that prevent persons with disabilities who are under guardianship from exercising their right to get married or file for divorce independently.

Education (art. 24)

21. Please provide information on:

(a) The outcomes to date of the Strategy for Inclusive Education (2014-2018) (para. 182);

(b) The steps taken to increase access to inclusive education and to abolish all forms of special education;

(c) The number and percentage of children with disabilities accessing education, disaggregated by mainstream education, special classes and resource centres, and their disabilities. Please provide additional information regarding the amendments to the laws specified in paragraph 184 of the State party's initial report.

Health (art. 25)

22. Please specify the safeguards in place to protect the sexual and reproductive rights of women and girls with disabilities, particularly those in institutionalized settings, and to ensure that sexual and reproductive health services are accessible to such women and girls.

Work and employment (art. 27)

23. With reference to paragraph 234 of the State party's initial report, please provide information on the procedure to measure the degree of disability, and on:

(a) Measures to protect against disability-based discrimination of persons with disabilities in employment;

(b) The number of persons with disabilities employed in the private and public sectors through reasonable accommodation and/or State subsidies;

(c) The unemployment rate among persons with disabilities and available measures to promote their inclusion in the open labour market, as well as incentives for employers.

Adequate standard of living and social protection (art. 28)

24. Please provide data on income and poverty levels among persons with disabilities, including children, compared to adults and children without disabilities, and provide updated information on the conditions for access to social protection measures. Please indicate the number and percentage of persons with disabilities who have access to such measures, disaggregated by sex, age, ethnicity and disability.

Participation in political and public life (art. 29)

25. Please indicate whether information disseminated during elections and the voting procedure itself are accessible and available in multiple formats, such as Braille, sign language and easy-to-read versions. Please provide information on measures to ensure the right to vote for all persons with disabilities and on the number of persons with disabilities who are not legally permitted to vote at the current time.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

26. Please explain what measures are planned to develop a human rights-based indicator system for the collection of data in cooperation with persons with disabilities and their representative organizations, as well as a comprehensive data-collection system that includes children with disabilities.

International cooperation (art. 32)

27. Please provide information on the results of the affirmative action measures mentioned in paragraph 357 of the State party's initial report.

National implementation and monitoring (art. 33)

28. Please provide updated information on measures taken to designate focal points and establish a sufficiently funded independent monitoring framework, in line with the Convention, ensuring the involvement in the monitoring process of persons with disabilities through their representative organizations.